

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

THANHONG HONG LUU, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 3:11-CV-00182
	§	
INTERNATIONAL INVESTMENT	§	
TRADE & SERVICE GROUP A/K/A	§	
INTERSERCO; aka INTERSERCO, <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

ORDER

The Court has reviewed Defendant Interserco's Motion to Dismiss. *See* Docket Entry No. 30. For the reasons below, the motion is **DENIED IN PART** and **GRANTED IN PART**.

On October 31, 2012, Plaintiffs amended their complaint to add new parties and new causes of action. Docket Entry No. 29. The amendment did not, however, modify the factual allegations in the original complaint. *Compare* Docket Entry No. 29, *with* Docket Entry No. 1. Shortly thereafter, Interserco filed the instant motion to dismiss. *See* Docket Entry No. 30.


Most of Interserco's arguments turn on the adequacy of the facts alleged in the complaint to support the various causes of action. In their response to Interserco's motion, Plaintiffs assert new facts not alleged in their most recent

complaint, including that Plaintiffs faced imprisonment under Vietnamese law if they failed to pay their debts and that Interserco's "co-conspirators" confiscated and kept Plaintiffs' passports upon their arrival to the United States. *Compare* Docket Entry No. 34 at 4, 13, *with* Docket Entry No. 29. Because Plaintiffs have not yet amended the factual allegations in their complaint, the Court will allow Plaintiffs to amend one final time. Interserco may re-urge its arguments for dismissal after Plaintiffs have filed their new complaint.

The Court will, however, grant Interserco's motion with respect to Plaintiffs' Thirteenth Amendment claim. As Plaintiffs appear to concede, "the Thirteenth Amendment itself does not provide a private right of action for damages." *Roe v. Bridgestone Corp.*, 492 F. Supp. 2d 988, 997 (S.D. Ind. 2007) (collecting cases).

In sum, the Court **GRANTS** Plaintiffs' request for leave to amend their complaint. The Court **ORDERS** that Plaintiffs file their new complaint by May 6, 2013. The Court **GRANTS** Interserco's Motion to Dismiss (Docket Entry No. 30) with respect to Plaintiffs' Thirteenth Amendment Claim, but **DENIES** the remainder of the motion. Plaintiffs' Thirteenth Amendment Claim is **DISMISSED**.

SIGNED this 12th day of April, 2013.



Gregg Costa
United States District Judge